

## Mechanism for Issuing a Doctor's Practice License in Health Law No. 17 of 2023

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ARTICLE INFO	ABSTRACT
<p><b>Keywords:</b> SIP, STR, Doktor, Health, Health Efforts</p> <p><b>How to cite:</b> Wulandari, Eka., Et., Al. (2025). Mechanism for Issuing a Doctor's Practice License in Health Law No. 17 of 2023. <i>Veteran Law Review</i>. 8(1). 1-12.</p> <p>Received:2024-12-18 Revised:2025-08-14 Accepted:2025-08-16</p>	<p>Doctor is a profession with a crucial role in providing healthcare services and efforts for the community in Indonesia. To practice, a doctor must first obtain a Practice License, referred to as SIP, as proof of professionalism. To acquire an SIP, a doctor must go through several procedures, including educational registration, qualification verification, administrative review, and professional competency assessment. Following the enactment of Law No. 17 of 2023 concerning Health, there are notable changes, one of which pertains to the SIP issuance procedure, which differs from the previous law. This normative study examines the changes using a legislative approach, comparing the provisions in the new Health Law with the old one. The aim of this research is to understand the mechanism for issuing a doctor's SIP after the implementation of Law No. 17 of 2023. After reviewing several normative research sources, the author found that there are changes in the SIP issuance mechanism under the new Health Law. These differences include the requirements doctors must fulfill to obtain an SIP, where the new Health Law no longer requires a recommendation letter from a professional organization as a prerequisite for obtaining an SIP.</p>

### 1. Introduction

The right to health is one of the human rights that should be guaranteed and protected by the state as a form of fulfilling the state's obligations to its people. This right to health has also been expressly recognized in Article 28 letter h paragraph (1) of the 1945 Constitution. The right to health also includes the right to health services and efforts. The main purpose of providing health services and efforts to the community is to prevent, treat, and provide other health services and efforts needed by patients in terms of health (Belantara et al., 2024). In the health aspect, doctors have a very important role in supporting public health. They are one of the medical personnel who play a role in ensuring that patients get their health rights. The health rights owned by patients are fulfilled by doctors by making medical efforts. Health Law No. 17 of 2023 divides medical efforts into several forms, namely medical efforts in the form of promotive, preventive, curative, rehabilitative, and/or

palliative. The whole form of medical efforts reflects how complex and important the role of a doctor is in providing health services and efforts to patients. Doctors play a role not only as healers, but also as counselors, educators, and leaders in medical personnel whose all aspects are aimed at achieving patient welfare in terms of health. Therefore, the existence of doctors is vital in the health sector, which focuses not only on medical problems for individuals, but also on medical problems for society as a whole.

Given how big the role and function of a doctor is, to be able to control this role, a doctor must meet the standards of professionalism that have been set in advance. This standard of professionalism is a standard that can qualify a doctor as competent or not. Competence itself can be interpreted as a doctor's ability or ability to behave based on the education and training he has undergone. Competence consists of 3 (three) elements, namely: knowledge, skills, and professional attitudes. A doctor can be said to be competent if he meets all these elements (Syahputra et al., 2018). To ensure that the fulfillment of patient rights can be carried out appropriately and optimally, doctors who provide health services and efforts must be guaranteed their competence by obtaining recognition and practice permits from the government. Indonesia itself has special regulations regarding the granting of permission for a doctor to practice in providing health services and efforts. Medical practice, which is at the core of various activities in health efforts, must be carried out by doctors and dentists who have high ethics and morals, as well as expertise and authority that are continuously improved through continuous education and training, certification, registration, licensing, as well as coaching, supervision, and monitoring. All of this is important so that medical practice remains in accordance with the development of science and technology, as well as providing legal protection and certainty for health service recipients, doctors, and dentists (Kuning, 2011).

In Indonesia, before practicing, a doctor must first obtain the authority in accordance with his field of expertise. To obtain authority based on competence, there are several procedures that a doctor must do. This procedure is implemented with the aim of ensuring that medical personnel, especially doctors, have qualified abilities for dissertations with valid licenses. To be able to practice, a doctor or dentist must have a Registration Certificate (STR) as written proof that the doctor has competence in his or her field of expertise. Even though they already have an STR, it is not enough for a doctor to have the authority to practice health services and efforts. Every doctor must also have a legally valid Practice License (SIP) to then be able to practice health services and efforts. SIP itself is proof of the granting of permits issued by the authorities to doctors to practice health services and efforts at health facilities. The procedure for obtaining a SIP includes the process of verifying the competence of doctors in their fields of expertise, administrative examinations,

and the feasibility of the practice that will be used in carrying out health services and efforts. SIP is very important for the health world to ensure that a doctor can operate within the scope in accordance with safety and health standards and in line with applicable laws and regulations. Without STR and SIP, a doctor who performs medical practice can be considered malpractice which is illegal and can be subject to applicable legal sanctions. Thus, it can be concluded that both STR and SIP have an important role for a doctor to be able to operate and practice in the health sector (Belantara et al., 2024).

Prior to the enactment of Health Law No. 17 of 2023, the health sector had 11 (eleven) regulations that were separate from each other. Each regulation has a different scope of fields even though they are both in the health sector. The birth of the new Health Law is an effort to streamline the form of regulations into a legal product. The fat regulation in the health sector demands the need for streamlining regulations into one product using the Omnibus Law approach (Satria Indra Kesuma, 2024). The ratification of this Law, in addition to uniting several legal products into one, also changes several provisions of existing health law products, one of which is the provision regarding the issuance of doctors' SIP. Noticeable changes can be seen in the mechanism for issuing a Practice License (SIP), especially in the part of the requirements that must be met by a doctor in order to obtain a SIP as a condition for practicing.

## **2. Method**

The research on this writing was carried out using a normative research method by reviewing several existing books and journals. In conducting the study, the author also uses several approaches, namely: 1.) Legislative approach, which is an approach carried out by reviewing the applicable laws and regulations in the health sector by focusing on writing on the mechanism for issuing doctors' practice licenses; 2.) Comparative approach, which is an approach carried out by comparing the mechanism for issuing a doctor's practice license in the new Health Law with the old one and providing a review related to the advantages and disadvantages of the mechanism contained in each legislation.

## **3. Discussion**

### **3.1. Mechanism for Issuing a Medical Practice License after the Enactment of Law No. 17 of 2023 concerning Health**

Indonesia is a country of law in which almost all aspects of state activities in it always intersect with the law, including the health aspect. One of the most frequently encountered aspects in the health sector is about licensing. In

general, licensing can be interpreted as an approval or legality of a community activity given by an authorized official. Licensing is intended to regulate and control an activity or behavior of individuals or groups that have similarities with dispensations or concessions. In order for a permit to be recognized as legally valid, the permit must be issued by an authorized official in concrete form. The granting of permits has certain purposes and purposes such as to direct certain activities, as a prevention of dangers that can be caused, to protect certain objects, and can be used as a guide for people who carry out certain activities (Armada, 2012). In the medical world, a doctor also needs a permit to carry out medical activities, namely health services and efforts. To be able to practice medicine, a doctor is required to have a Practice License (SIP) as a legal recognition of his authority to carry out health services and efforts. SIP is an official written document issued by the authority, namely the district/city level health office as a form of granting permission to doctors or dentists to be able to practice health services and efforts after going through several procedures that have been stipulated in the applicable laws and regulations. The issuance of this SIP can only be obtained when a doctor has submitted a Registration Certificate (STR). Law No. 17 of 2023 has regulated two very important things in determining the legality and validity of practices carried out by doctors, namely regarding the ownership of STR and SIP (Triana, 2024). Deputy Minister of Health of the Republic of Indonesia, Dante Saksono Harbuwono, stated that Indonesia still lacks around 120 thousand general practitioners to reach the ideal number recommended by the World Health Organization (WHO). According to him, currently the number of general practitioners in Indonesia reaches around 150 thousand people, but with the ratio expected by the WHO, namely one doctor for every 1,000 population, there is still a shortage to meet these standards. The condition of the lack of the medical profession is caused by one of the difficulties in prospective doctors to obtain a Practice License (Budiyanti Prameswari, 2024).

Based on such conditions, Law No. 17 of 2023 concerning Health was passed in the hope that it can provide new regulations that make it easier for doctors to obtain a SIP. Regulations regarding STR and SIP for doctors in this law are regulated in articles 263 to 267, and also article 449.

The mechanism for the issuance of SIP in Health Law No. 17 of 2023 can be described as follows:

1. Before having a SIP, a doctor must have an STR first. Some of the provisions regarding the issuance of STRs are as follows :
  - a. The Registration Certificate (STR) is issued by the council on behalf of the Minister of Health. STR is written evidence given by the government to medical personnel who already have a certificate of competence, which allows them to provide health

- services and efforts. Every medical personnel who already have an STR has the right to practice.
- b. In making an STR, doctors are required to meet the following requirements:
    1. Have an education diploma in the health field and have a valid and recognized professional certificate in the field;
    2. Have a certificate of competency that shows professionally recognized competence in the field in question.
  - c. Every medical practitioner who practices is required to have an STR.
  - d. In Law No. 17 of 2023, STR is valid for life.
2. After obtaining the STR, the doctor can apply for the issuance of a Practice License (SIP). Some of the provisions in the issuance of SIP are as follows :
- a. Applications for the issuance of SIP are addressed to the Regency/City Regional Government or the Minister of Health under certain conditions, without a recommendation or approval from a professional organization.
  - b. To obtain a SIP, a doctor must meet the following requirements :
    1. Have an STR
    2. Have a practice
  - c. The provision of SIP is carried out by setting quotas based on :
    1. The number of medical personnel distributed in an area.
    2. Ratio of population to number of medical personnel
    3. The amount of workload of medical personnel
  - d. The validity period of SIP is 5 years (Undang-Undang No. 17 Tahun 2023 Tentang Kesehatan, 2023).

Provisions regarding the mechanism for issuing SIP and all related procedures have been regulated and packaged in such a way in Law No. 17 of 2023 concerning Health. Usually, when the House of Representatives passes the Bill, soon after that there will be a Government Regulation that accommodates all the technical implementation of the substance in the law. However, until now, there has been no other regulation that strengthens the provisions regarding the issuance of SIP in this law other than the circular issued by the Minister of Health. In Circular Letter No. HK.02.01/Menkes/6/2024 concerning the Implementation of Licensing for Medical Personnel and Health Workers, it reaffirms the provisions for the issuance of SIP for doctors in carrying out health service practices and efforts. This Circular Letter aims to be a guideline for medical personnel, especially doctors, regarding the technical licensing procedures that must be met, including in terms of the issuance of doctors' SIP which is one of the important aspects in ensuring that service practices and health efforts can run in accordance with applicable



regulations. This circular is also used to address the legal vacuum ahead of the complete provisions regarding SIP can be regulated in the new government regulation.

### **3.2. Mechanism for Issuance of Doctor's Practice License in Law No. 29 of 2004 concerning Doctor's Practice**

Prior to the birth of Law No. 17 of 2023 concerning Health, regulations regarding health were drafted in several different laws. Regulations regarding the issuance of SIPs and mechanisms in their own procedures prior to the enactment of the new health law are regulated in Law No. 29 of 2004 concerning Medical Practice. The law mandates several authorities to an institution known as the Indonesian Medical Council (KKI). The Indonesian Medical Council (KKI) is an institution formed to protect the community who receive health services and efforts as well as to improve the quality of services provided by doctors in Indonesia. In addition to registering doctors, KKI is also tasked with setting educational standards for the medical profession and providing guidance in the implementation of medical practice, in collaboration with other institutions in accordance with their respective duties and responsibilities. To illustrate, only doctors who have permission to perform examinations on certain parts of the body and perform medical procedures with the patient's consent, which no other profession can perform (KOMALAWATI & DHANI, 2018). In Law No. 29 of 2009 concerning Medical Practice, KKI has several main tasks, namely: 1.) registering doctors and dentists; 2.) to set a standard for professional education of doctors and dentists; 3.) Conducting guidance and supervision of the implementation of medical health service practices and efforts (Syahputra et al., 2018).

Similar to Law No. 17 of 2023 concerning Health, Law No. 29 of 2004 concerning Medical Practice also regulates STR and SIP, but the substance of these provisions has differences. Article 36 of Law of the Republic of Indonesia Number 29 of 2004 concerning Medical Practice stipulates that every doctor who practices medicine is required to have a Practice License (SIP). The purpose of SIP is to:

1. Protection of the public and health workers: Protecting patients from potential physical, mental, or life losses due to unprofessional medical practices.
2. Instructions for health workers: Ensure medical personnel have valid qualifications, competencies, and licenses when providing health services.
3. Community empowerment and professional organizations: Increase public understanding of patient rights and strengthen the supervision and professionalism of medical personnel by professional organizations (Pranata et al., 2018).

Thus, SIP plays an important role in ensuring patient safety and the quality of medical services. The provisions regarding STR and SIP are as follows:

1. Before applying for a SIP, a doctor must first have an STR. The following are some provisions in applying for the issuance of STR:
  - a. Every doctor and dentist is required to have an STR issued by KKI
  - b. Have a degree as a doctor, specialist, dentist, or specialist dentist.
  - c. Have declared an oath or promise of the profession as a doctor
  - d. Have proof of physical and mental health
  - e. Have a certificate that proves competence according to the field.
  - f. Declare their availability to comply with and carry out the professional code of ethics.
  - g. STR is valid for 5 years and must be re-registered when the validity period expires
2. If the doctor already has an STR, then he can register to get a SIP. The conditions for issuing SIP are as follows:
  - a. SIP is issued by the authorized health official in the district/city where the practice is carried out.
  - b. SIP for doctors or dentists is only given for a maximum of 3 places.
  - c. Each SIP is valid for only one place of practice.
  - d. Requirements for obtaining SIP:
    1. Have a STR;
    2. Have a place of practice;
    3. Get recommendations from professional organizations
  - e. The validity period of SIP is as long as the STR is still in effect (Undang-Undang No. 29 Tahun 2004 Tentang Praktik Kedokteran, 2004)

To issue a SIP, STR as the authority based on its field influences the issuance of SIP according to the authority of each doctor. When Law No. 29 of 2004 concerning Medical Practice came into effect, regulations related to the issuance of SIP were also technically regulated in the Regulation of the Minister of Health of the Republic of Indonesia Number 2052/MenKes/Per/X/2011 concerning Practice Permits and Implementation of Medical Practice. The Permenkes recognizes several forms of authority of doctors, namely independent, limited, additional, and clinical authority in hospitals. First, independent authority means that a doctor can carry out medical practice independently without direct supervision from other doctors, in accordance with the Registration Certificate (STR) and the competencies possessed. Second, limited authority means that this authority can only be exercised under the supervision of another doctor, as is the case with internship or specialist education programs. During the internship program, doctors are guided by accompanying doctors in carrying out practices in hospitals or health centers. In specialist education, doctors can perform certain medical actions under supervision, with competencies appropriate to their

course of study. Third, additional authority which means that this authority is given to doctors who have participated in special training or education. This additional authority allows them to practice certain medicines independently. This additional authority applies in certain areas determined by the government, and is granted on the basis of an additional competency certificate. Fourth, clinical authority in the hospital which means that this authority is given to medical staff to perform certain medical services in the hospital, based on the assignment by the hospital director after the administrative verification process. This authority is limited and can be adjusted to the results of administrative verification and the needs of the hospital. Overall, the authority of a doctor is determined by his or her competence, the program undertaken, and the supervision of the authorities in accordance with existing regulations (KOMALAWATI & DHANI, 2018).

Law No. 29 of 2004 concerning Medical Practice was finally repealed with the enactment of Law No. 17 of 2023 concerning Health. This is not done without reason by the government. The government considers that several substances in Law No. 29 of 2004 concerning Medical Practice are indicated to be one of the causes of the shortage of doctors in Indonesia. The Ministry of Health of the Republic of Indonesia said that one of the main reasons for the shortage of specialist doctors in Indonesia is the complexity of the bureaucracy in the management of Registration Certificates (STRs) and Practice Licenses (SIP). Siti Nadia Tarmizi, Head of the Communication and Public Service Bureau of the Ministry of Health, revealed that the complicated administrative process in the management of STR and SIP is the main obstacle that results in the smooth practice of doctors. Based on complaints received from doctors, the process of managing STR and SIP often takes between three and six months without certainty when the process will be completed. In addition, the costs that must be incurred are also quite high, which further aggravates the condition. Therefore, it is very necessary to simplify and improve the administrative system to support the increase in the number of specialist doctors in Indonesia. Based on this thought, a new legal product was finally born, namely Law No. 17 of 2023 concerning Health (Valentina Christa, 2024).

### **3.3. Changes in the SIP Issuance Mechanism between Law No. 17/2023 on Health and Law No. 29/2004 on Medical Practice**

Based on the research study that has been explained earlier, it can be concluded that there is a significant difference between the mechanism for issuing doctors' Practice Licenses (SIP) in Law No. 17 of 2023 concerning Health and Law No. 29 of 2004 concerning Medical Practice. The difference lies in several key aspects, which include the procedures, requirements, and authorities involved. Here is a further breakdown of the differences:



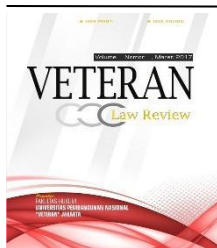
1. Provisions for the Issuance of Registration Certificate (STR) In Law No. 29/2004 on Medical Practice, STR is issued by the Indonesian Medical Council (KKI), which is an independent institution that is directly responsible to the president. STRs issued within the framework of this law have a validity period of 5 years, and after the validity period expires, doctors must re-register. Meanwhile, in Law No. 17/2023 on Health, the STR is issued by the council acting on behalf of the minister, who is responsible to the president through the minister of health. In this law, STRs are valid for life. However, to maintain its validity, expired STRs can still be extended through educational activities, training, or scientific activities in accordance with their profession.

2. Provisions on the Mechanism for Issuing Practice Licenses (SIPs) In Law No. 29/2004, SIPs are issued by health officials at the district/city level after doctors have STRs and meet various other requirements, including recommendations from professional organizations. SIPs can only be issued for one practice and a maximum of three SIPs for each doctor, and are valid as long as the STR is still valid. On the other hand, in Law No. 17/2023, doctors who already have an STR can apply for SIP to the district/city local government or the Minister of Health, depending on certain conditions, without having to get a recommendation from a professional organization. In addition, this law does not regulate the maximum number of SIPs that a doctor can have.

3. The Influence of Professional Organizations In Law No. 29/2004, professional organizations, especially the Indonesian Doctors Association (IDI) and the Indonesian Dentists Association (PDGI), play an important role in the SIP issuance process. Doctors must obtain a recommendation from the professional organization to obtain a SIP. However, in Law No. 17/2023, professional organizations are only mentioned in general, without referring to specific organizations, and are no longer a mandatory requirement for doctors to obtain a SIP. This indicates a substantial change in the relationship between the government and professional organizations in the mechanism of issuing practice licenses.

4. Validity Period and Extension of SIP In Law No. 29/2004, the validity period of SIP is tied to the validity period of the STR, which means that every 5 years doctors must apply for an extension of the STR, and this also has an impact on the extension of the SIP. On the other hand, in Law No. 17/2023, SIP has a validity period of 5 years that is separate from the validity period of the STR. This provides greater flexibility for doctors to manage their practice licenses without being directly bound to the validity period of the STR.

Thus, the difference between these two laws reflects a change in the administrative and supervisory mechanisms of medical practice, where Law No. 17/2023 provides greater flexibility and reduces the role of professional organizations in the issuance of SIPs.



## 4. Conclusion

The birth of Law No. 17 of 2023 concerning Health presents a new color in the medical world, one of which is the mechanism for issuing a Practice License (SIP). The existence of this law is able to make doctors, especially new doctors, breathe a sigh of relief because their fear of complicated and lengthy procedures in obtaining SIP is eliminated. One of the main changes regulated in this law is the elimination of the obligation to recommend from professional organizations, which was previously an absolute requirement in Law No. 29 of 2004. With this new provision, doctors who already have a Registration Certificate (STR) can directly apply for SIP without the need to get a recommendation from a professional organization. In addition, the validity period of the SIP which is now separate from the validity period of the STR provides greater flexibility for doctors to manage their practice licenses, without having to be tied to a shorter validity period of the STR. These changes are expected to speed up the licensing process and make administration easier for doctors in Indonesia, so that they can focus more on medical practice and health services and efforts. The change in regulations related to the issuance of SIP is also expected to be able to change the condition of the number of doctors who have not met the existing needs, can develop into an ideal number and can be distributed evenly throughout the region to fulfill the right to health for the Indonesian people.

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